

REMARKS/ARGUMENTS

Formal Matters

Claims 104, 105, 107 and 109-115 were examined and rejected.

By the Amendment herein, claim 1 has been amended. Support for the amendments is found particularly in Figs. 6 and 7. Accordingly, no new matter has been added.

Claims 104, 105, 107 and 109-115 remain pending after entry of the amendments set forth herein.

Applicants respectfully request reconsideration of the application in view of the amendments and remarks made herein.

Rejections Under 35 U.S.C. §102

Claims 104, 105, 107, 109, 110 and 112-115 were rejected under 35 U.S.C. §102(b) as being anticipated by Venbrux (U.S. Patent No. 5,443,497).

As amended, the claims provide for a system including a catheter and a connector sized for delivery through the catheter, where the connector comprises an annular structure configured for positioning within the tubular graft and for providing fluid communication between the tubular graft and the vessel, the annular structure having a longitudinal axis, and at least one compressible member extending from a distal end of the annular structure and having a longitudinal axis substantially transverse to the longitudinal axis of the annular structure. The substantially transverse relationship between the longitudinal axis of the annular structure and the longitudinal axis of the at least one compressible member is illustrated in Figs. 6 and 7 of the pending application.

In the Office Action, the Venbrux device is characterized as having a connector with an annular structure 116 and at least one radially deformable compressible member 112. These components are virtually coaxial, sharing the same longitudinal axis. Accordingly, Venbrux does not anticipate nor make obvious the claimed anastomotic system.

Applicants respectfully request withdrawal of the rejection and allowance of the claims.

Claims 104, 105, 107 and 110-115 were rejected under 35 U.S.C. §102(e) as being anticipated by Huebsch et al. (U.S. Patent No. 5,853,422). Applicants note that Huebsch et al. is not considered prior art under 35 U.S.C. §102(e) and perhaps the Examiner intended to identify it as prior art under U.S.C. §102(b).

USSN: 09/903,219

The claimed connector has an annular structure configured for positioning within the tubular graft and for providing fluid communication between the tubular graft and the blood vessel, the annular structure having a longitudinal axis, and at least one compressible member extending from a distal end of the annular structure and having a longitudinal axis substantially transverse to the longitudinal axis of the annular structure, where the compressible member is radially deformable between a reduced profile and an expanded profile, wherein the compressible member is configured to provide fluid communication between the graft and the vessel when the compressible member is in the expanded profile.

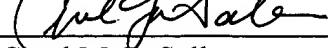
The function of the claimed connector is to establish fluid communication between two vessels. The Huebsch et al. septal defect closure device is distinguishable from the claimed connector in that it does not provide fluid communication between the two chambers of the heart into which it is placed when the closure device is in an expanded profile. In fact, the device is structured to accomplish just the opposite when in an expanded configuration – to plug an opening in the septum between the two chambers and prevent blood flow there through. The Huebsch device accomplishes this in that the proximal and distal ends and the central portion of the device (14, 16 and 18 in Figs. 2-5 for example) work cooperatively to plug the opening when the device is in an expanded configuration. To configure the Huebsch device otherwise would defeat its intended purpose. Accordingly, the claimed invention is patentable in view of Heubesch et al.

Applicants respectfully request withdrawal of the rejection and allowance of the claims.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number CNVG-010CON.

Respectfully submitted,
BOZICEVIC, FIELD & FRANCIS LLP

Date: 12/17/04

By: 
Carol M. LaSalle
Registration No. 39,740

Bozicevic, Field & Francis LLP
1900 University Avenue, Suite 200 P
East Palo Alto, California 94303

Telephone: (650) 327-3400
Facsimile: (650) 327-3231